

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark A. Tracy, Howard Bernstein and M. Amin Khan

Title: CONTROLLED RELEASE OF METAL CATION-STABILIZED INTERFERENCE

Continuation of U.S. Application No.: 09/664,299 filed September 18, 2000



Date: 3/6/02 Express Mail Label No. EV044391177US

INFORMATION DISCLOSURE STATEMENT

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
  - ☐ Copies of the cited references are enclosed.
  - ☒ Copies of the cited references were entered in prior application, U.S. Application Nos. 09/664,299, 08/765,558 and 08/279,784 to which priority under 35 U.S.C. 120 is claimed.
  - ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
  - ☐ The "concise explanation" requirement (non-English references) for reference(s) [       ] under 37 CFR 1.98(a)(3) is satisfied by:
    - ☐ the explanation provided on the attached sheet.
    - ☐ the explanation provided in the Specification.
    - ☐ submission of the enclosed International Search Report.
    - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
    - ☐ the enclosed English language abstract.
- ☐ Applicant requests that the following non-published pending applications be considered:

Examiner's  
Initials

\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_  
Examiner\_\_\_\_\_  
Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Susan M. Abelleira

Susan M. Abelleira

Registration No.: 42,252

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: March 06, 2002

PTO, 1449 REPRODUCED				ATTORNEY DOCKET NO. 1733.1004-014		CONT. OF APPLICATION NO. 09/664,299	
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <b>March 3, 2002</b>  (Use several sheets if necessary)				APPLICANT <b>Mark A. Tracy, et al.</b>			
				FILING DATE		GROUP	
<b>U.S. PATENT DOCUMENTS</b>							
EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	AA	3,928,566	12/23/75	Briggs, et al.	424	94	
	AB	4,166,800	9/04/79	Fong	252	316	
	AC	4,530,901	7/23/85	Weissmann	435	70	
	AD	4,675,189	6/23/87	Kent, et al.	424	490	
	AE	4,853,218	8/01/89	Yim, et al.	424	85.7	
	AF	4,897,268	1/30/90	Tice, et al.	424	422	
	AG	4,962,091	10/09/90	Eppstein, et al.	514	2	
	AH	5,019,400	5/28/91	Gombotz, et al.	424	497	
	AI	5,126,147	6/30/92	Silvestri, et al.	424	497	
	AJ	5,192,741	3/09/93	Orsolini, et al.	514	4	
	AK	4,871,538	10/03/89	Yim, et al.	424	85.7	
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	AL	WO91/12882	9/5/91	PCT			
	AM	WO94/12158	6/09/94	PCT			
	AN	WO93/17668	3/12/94	PCT			
	AO	WO92/11844	7/23/92	PCT			
	AP	WO93/25221	12/23/93	PCT			
	AQ	WO94/19373 A1	09/01/94	PCT			
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
	AR	Nagata, S. et al., "Synthesis in <i>E. Coli</i> of a Polypeptide with Human Leukocyte Interferon Activity," <i>Nature</i> , 284: 316-320 (March 1980).					
	AS	Rubinstein, M. "The Structure of Human Interferons," <i>Biochimica et Biophysica Acta.</i> , 695: 5-16 (1982).					
	AT	Cunningham, B.C. et al., "Dimerization of Human Growth Hormone by Zinc," <i>Science</i> , 253: 545-548 (2 August 1991).					
	AU	Maciel, G. et al., <i>Chemistry</i> , D.C. Heath and Company, pp. 156-157, (1978).					
EXAMINER				DATE CONSIDERED			

10/092365  
 03/06/02  
 PTO  
 U.S.

PTO-1449 REPRODUCED  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <b>March 3, 2002</b>  (Use several sheets if necessary)				ATTORNEY DOCKET NO. 1733.1004-014		CONT. OF APPLICATION NO. 09/664,299	
				APPLICANT Mark A. Tracy, et al.			
				FILING DATE		GROUP	

1000 U.S. PTO  
 09/09/2365  
 03/06/02

U.S. PATENT DOCUMENTS							
EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	DATE APPROPRIATE
	AA2	4,252,79	2/1981	Grossberg et al.	424	55	
	AB2	5,441,734	8/1995	Reichert et al.	424	85.7	
	AC2	5,413,797	05/09/95	Khan, M.A., et al.	424	489	
	AD2	6,087,324	07/11/00	Igari, et al.	514	2	

FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	AL2	EP 0633020 A1	01/11/95	EUROPE			
	AM2	EP 0 307097 A2	03/15/89	EUROPE			
	AN2	WO 91/18927 A1	12/12/91	PCT			
	AO2	EP 0 123291 A2	10/31/84	EUROPE			
	AP2	EP 0 281299 A1	09/07/88	EUROPE			
	AQ2	WO 96/07339 A1	03/14/96	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		

EXAMINER	DATE CONSIDERED
----------	-----------------